

Remarks

The rejection of claims 1 – 10, 16, 18 and 19 under 35 U.S.C. 112, second paragraph, as being indefinite, claims 2 – 10, 16, 18 and 19 as being dependent upon a rejected claim, claims 1, 4 and 5 under 35 U.S.C. 102(e), claims 2, 3, 8, 9, 11, 12 and 16 under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Tate, Green and Kirton et al., claim 6 under 35 U.S.C. 103(a) as being unpatentable over Smith, claim 7 under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Green, and claims 13, 14, 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over the combination of Smith, Tate and Green as applied to claim 11 above, and further in view of Daniel is traversed.

Claims 14, 15, and 17 are further rejected because the housing design is within the capacity of a person having ordinary skill in the art. Claims 18 – 22 are further rejected as reciting function rather than structure, and claims 18 – 20 are further rejected under 35 U.S.C. 103(a) as being obvious by adding a reward circuit as taught by Tolan-Samilow to the device of Smith. Claims 21 and 22 are also further rejected on the basis of containing a selection of alternative lacking any critically. These further rejections are also traversed.

The claims have been amended to incorporate information concerning the cooperation of the timer and signal circuit to automatically determine the length of time intervals based on the use of historical data reflecting actual use of the device over a selected period of time. Thus current activity using the device is constantly adjusted to bring the normal time interval closer to the changing activity of the subject.

The Examiner is respectfully requested to review the claims as amended
and favorably consider the issuance of a Notice of Allowance.

It is submitted that the claims as presently written define over the references cited and applied by the Examiner. Accordingly, it is respectfully requested that the rejection of all claims be withdrawn and that a Notice of Allowance be issued.

Respectfully submitted,

Date: _March 11, 2004

A handwritten signature in cursive script, reading "Charles Y. Lackey". The signature is written in black ink and is positioned above the printed name and address.

Charles Y. Lackey
Attorney for Applicant
PO Box 5871
Winston-Salem, NC 27113-5871